

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

JOHN FRANCIS,

Plaintiff,

V.

MEDICAL DEPARTMENT,

Defendant.

Case No. 6:23-cv-574-JDK-JDL

**ORDER ADOPTING REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

Plaintiff John Francis, a Texas Department of Criminal Justice inmate proceeding pro se, brings this civil rights lawsuit under 42 U.S.C. § 1983. The case was referred to United States Magistrate Judge John D. Love pursuant to 28 U.S.C. § 636.

On February 2, 2024, Judge Love issued a Report and Recommendation recommending that the Court dismiss this case without prejudice for failure to prosecute or to obey an order of the Court. Docket No. 12. Plaintiff filed objections. Docket No. 13.

Where a party timely objects to the Report and Recommendation, the Court reviews the objected-to findings and conclusions of the Magistrate Judge de novo. 28 U.S.C. § 636(b)(1). In conducting a de novo review, the Court examines the entire record and makes an independent assessment under the law. *Douglass v. United Servs. Auto. Ass’n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*), *superseded on other*


grounds by statute, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days).

In his objections, Plaintiff argues that his health has been badly neglected and he has not been getting his evening snacks. He also asserts that he has not been able to properly manage his blood sugar due to inadequate diet. Docket No. 13. Plaintiff's objections, however, fail to properly address or controvert the Magistrate Judge's Report concerning Plaintiff's failure to comply with the Court's orders.

Having conducted a de novo review of the record in this case and the Magistrate Judge's Report, the Court has determined that the Report of the Magistrate Judge is correct, and Plaintiff's objections are without merit. Accordingly, the Court hereby **ADOPTS** the Report of the Magistrate Judge (Docket No. 12) as the opinion of the District Court. Plaintiff's claims are **DISMISSED** without prejudice for failure to prosecute or obey a Court order.

Signed this

Mar 14, 2024


JEREMY D. KERNODLE
UNITED STATES DISTRICT JUDGE